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Letter dated 28 August 2017 from the Permanent Representative of the Islamic Republic of Iran to the United Nations addressed to the Secretary-General

I write to convey my serious concern over the irresponsible and unlawful policy persistently taken by the United States of America in the implementation of its commitments under the Joint Comprehensive Plan of Action (JCPOA), in defiance of its obligations therein and in arrogant disregard of Security Council resolution 2231 (2015), in which the Council endorsed the Plan of Action by consensus and called for its implementation.

In resolution 2231 (2015), the Security Council underlined, among others, that "the JCPOA is conducive to promoting and facilitating the development of normal economic and trade contacts and cooperation with the Islamic Republic of Iran". The Council correspondingly called upon "all Member States, regional organizations and international organizations to take such actions as may be appropriate to support the implementation of the JCPOA, including by taking actions commensurate with the implementation plan set out in the JCPOA and the present resolution and by refraining from actions that undermine implementation of commitments under the JCPOA".

It is manifestly agreed that the Plan of Action "includes the reciprocal commitments" that shall be implemented by all its participants "in good faith and in a constructive atmosphere, based on mutual respect". It also instructs all participants to "refrain from any action inconsistent with the letter, spirit and intent of this JCPOA that would undermine its successful implementation", including regarding the "comprehensive lifting of all United Nations Security Council sanctions as well as multilateral and national sanctions related to Iran's nuclear programme".

The Islamic Republic of Iran has genuinely fulfilled its commitments under the Joint Comprehensive Plan of Action, as testified time and again by the International Atomic Energy Agency (IAEA) over the past two years. However, one certain member of the Plan of Action, the United States, has persistently refrained from good-faith implementation of its obligations to the extent that not only is the whole agreement put in jeopardy, but also resolution 2231 (2015) is either violated or visibly exposed to future violation.

The United States, particularly under the current administration, has embarked on a malicious policy to prevent Iran from benefiting from the Plan of Action. The United States senior officials are systematically engaged in a "policy specifically intended to directly and adversely affect the normalization of trade and economic

relations with Iran" by making public statements against the Plan of Action and by adopting certain policies, such as the so-called "policy review", despite the clear commitment under the Plan of Action to act otherwise. The United States policy both contravenes the provisions of the Plan of Action and disrespects the established principles of international law, in particular those enshrined in the Charter of the United Nations and reaffirmed in the Plan of Action.

As recently as 2 August 2017, the President of the United States signed into law a new Act introducing a series of sanctions against Iran, in total disregard of resolution 2231 (2015) and the Plan of Action. The Act violates the terms of annex B to the resolution as follows:

(a) The Act unilaterally imposes blanket sanctions with extraterritorial effects on the entire Iranian ballistic missile programme for an unspecified period of time. This contradicts paragraph 3 of annex B, in which Iran is called upon "not to undertake any activity related to ballistic missiles designed to be capable of delivering nuclear weapons" for a maximum period of eight years after the day of adoption of the Plan of Action;

(i) There is no doubt that paragraph 3 of annex B deals only with "ballistic missiles designed to be capable of delivering nuclear weapons", but the Act, in complete disregard of the explicit provision of the resolution, sanctions all activities relating to Iran's ballistic missiles without any distinction as to their design or capabilities;

(ii) Any possible constraint on Iranian ballistic missiles under paragraph 3 is for a maximum period of only eight years. It can be even shorter if the "Broader Conclusion" is reached earlier. The Act violates the temporal elements of the paragraph by imposing extraterritorial sanctions against the Iranian ballistic programme for an unspecified period of time;

(b) The Act similarly violates paragraph 5 of annex B by clamping down on any possible case-by-case approval by the Security Council of the sale of conventional weapons to Iran and by disregarding its temporal limitation. The relevant provisions of the Act have even scornfully mocked resolution 2231 (2015) by using almost the exact wording of paragraph 5 of annex B thereto, only to twist its meaning;

(i) Paragraph 5 establishes an authorization regime on certain weapons and military equipment. The Act, however, imposes a comprehensive sanctions regime and actually makes it impossible to seek and acquire any approval from the Security Council. This is another indication that the true objective of the United States is to weaken the defence capacity of Iran;

(ii) The Act totally ignores the five-year duration, specified in paragraph 5, by deliberately sanctioning all the acts mentioned therein;

(c) The Act violates paragraph 4 of annex B as well. IAEA positively verified the peaceful nature of Iran's nuclear programme. Correspondingly, the Security Council, in paragraph 4 of annex B to its resolution 2231 (2015), recognized this fact by installing a case-by-case approval mechanism for Iran's access to a wide range of items, goods, services and technologies that could contribute "to the development of nuclear weapon delivery systems". The Act's extraterritorial sanctioning of all activities relating to Iran's ballistic missile programme is in blatant defiance of the said paragraph;

(d) The extraterritorial nature of the sanctions stipulated in the Act further undermines the constructive atmosphere created after the lifting of the Security Council sanctions. Certain provisions therein also undo the effect of the current

sanction-lifting, while at the same time, by making arbitrary timings and schedules, they render the termination of the remaining restrictions, to become effective on the transition day of the Plan of Action, as envisaged in resolution 2231 (2015) and the Plan of Action, moot and irrelevant.

I, therefore, urge you to use your powers under the Charter and Security Council resolution 2231 (2015), including by reporting to the Council, to ensure that the United States ceases this unlawful policy and fulfils its obligations under the Plan of Action.

The Islamic Republic of Iran reserves its right to take necessary measures in order to safeguard its vital national interests.

I should be grateful if you would have the present letter circulated as a document of the Security Council.

(*Signed*) Gholamali **Khoshroo**
Ambassador
Permanent Representative